

ACSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

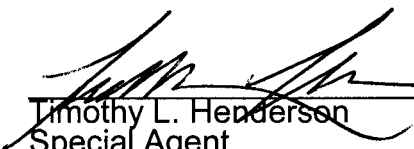
UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
Diego PLASCENCIA-Murillo,  
  
Defendant.

Magistrate Case No.: **'08 MJ 8465**  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

On or about May 26, 2008, within the Southern District of California, defendant Diego PLASCENCIA-Murillo did knowingly and intentionally import approximately 7.74 kilograms (17.03 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Timothy L. Henderson  
Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 27<sup>th</sup>  
DAY OF MAY, 2008.

  
Peter C. Lewis  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Diego PLASCENCIA-Murillo

4 STATEMENT OF FACTS

5 This complaint is based upon the personal observations, investigation and  
6 information provided to U.S. Immigration and Customs Enforcement Special Agent  
7 Timothy Henderson.

8 On May 26, 2008, Diego PLASCENCIA-Murillo made entry into the United States  
9 from Mexico through the Calexico, California West Port of Entry. PLASCENCIA was  
10 the driver of a Ford passenger car registered in his name.

11 Customs and Border Protection Officer (CBPO) J. Chavez was working primary  
12 lane four (4) at the Port of Entry when PLASCENCIA made entry into the United States.  
13 CBPO Chavez referred PLASCENCIA to secondary for further inspection.

14 In secondary, CBPO C. Contreras continued the inspection of PLASCENCIA.  
15 CBP Canine Enforcement Officer (CEO) D. Alba's Narcotic Detector Dog (NDD) alerted  
16 to the odor of a controlled substance in the area of the Ford. A search of the Ford  
17 resulted in the recovery of 20 packages containing a green leafy substance. A sample  
18 of the substance field-tested positive for marijuana. The combined weight of the  
19 packages was 7.74 kilograms (17.03 pounds).

20 Special Agent (S/A) Timothy Henderson interviewed PLASCENCIA. CBPO D.  
21 Contreras read PLASCENCIA his constitutional rights per Miranda in Spanish with S/A  
22 Henderson present. PLASCENCIA waived his rights, agreeing to make a statement.

23 PLASCENCIA stated that he had been told that marijuana would be in the  
24 vehicle. PLASCENCIA said that he was to be paid to drive the Ford to Calexico.  
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